

BOARD OF SELECTMEN

Minutes of the Meeting of 9 July 2007 at 9:00 AM. The meeting took place in the Conference Room, Land Bank, 22 Broad Street, Nantucket, MA 02554. Members of the Board present were Brian Chadwick, Michael Kopko, Allen Reinhard, Patricia Roggeveen and Whiting Willauer. Chairman Willauer called the meeting to order at 9:00 AM.

Discussion Regarding Proposed Nantucket Sewer Act with Interested Parties in Advance of Legislative Hearing on July 17, 2007. Chairman Willauer opened the discussion, asking the Board for any changes it suggests to the Senate Bill version of the act. Mr. Kopko noted the occurrence of a clerical error and spoke on the need for inclusion of certain language from the article as amended and adopted. Legislative Liaison Timothy Madden described the State House review process and stated that Senate No. 2249 will include the amendments as adopted at Town Meeting. The Board consented to this amended final version of the article (pages 13-17 from the Town Clerk's certified copy of the article) being the intended version for the Senate bill. Mr. Madden confirmed that this form is "all set." Discussion followed on any other changes that could occur, which would be as amendments through Senator O'Leary to the committee.

Discussion followed on the need for Town Counsel review of any changes to be made at this time followed by a formal vote of adoption by the Board. Nancy Wheatley inquired about clerical edits concerning "sewerage" and "sewage" and if clerical errors made to date would affect the number of Senate No. 2249. She shared specific concerns as follows:

Section 1. Ms. Wheatley suggested the deletion of "with such capacity limitations, connections, pumping stations, treatment plants and other works, as may be allocated in such bylaw to such Sewer District as required for a system or systems of sewer treatment and disposal." Discussion followed on the ability to change the language later and the Board consented to ask Town Counsel about ramifications if this language is deleted.

Ms. Roggeveen suggested the Board review current applicable bylaws before the legislative hearing is held on July 17, 2007.

Section 6. Ms. Wheatley questioned language intent concerning the "town shall pay the whole or a portion of the cost of said system..." as to whether that means capital or operating. The general Board consensus was that the language allows flexibility, but added it to the list for Town Counsel.

Discussion continued on the language "interest shall be at the rate as may be established by the Nantucket Sewer Commission from time to time," with Ms. Wheatley noting that another option based on other towns' language would be "notwithstanding any general or special law to the contrary, the town of Nantucket may assess and collect interest on sewer assessments at a rate equal to that chargeable to the town of Nantucket."

Section 8. Ms. Wheatley suggested that, in interest of passage, it is important to recognize what the Town is asking for. She added that the powers conflict with oversight structure. Discussion followed on the need to broaden local powers and the legislators' power to strike language if they deem necessary. Discussion followed on mechanics being addressed later and the town meeting power that exists. Ms. Wheatley noted that she will be forwarding her suggested amendment

requests to the legislators for consideration. Discussion continued on feedback that will be expected from the State via Mr. Madden.

Section 9: Ms. Wheatley asked if "commas are correctly placed."

Section 10: Ms. Wheatley questioned the term "new expanded Sewer District." The Board consented to add "or" here ("new or expanded Sewer District").

Chairman Willauer welcomed other concerns from the group. Michael Glowacki shared a letter to the Board and noted the opportunity to shield the Town from illegal connections. He suggested striking all sections after line 12 in the bill (after section 1) "keeping Section 1 only due to the issues of the other sections." Discussion followed on the Board's previous consent to approve the version under review earlier in the meeting and to submit questions to Town Counsel.

Mr. Glowacki spoke on deleting Section 3. Ms. Roggeveen commented on the strategic sense of revising the document so as not to weigh down the needed portions. Discussion followed on legislative changes. Mr. Madden noted optimism of the legislators about passage of this Act in one session.

The Board consented to vote formally at its July 11, 2007 meeting on any amendments to the Sewer Act following review of Town Counsel comments.

The meeting adjourned at 10:36 AM.

Approved the 5th day of September 2007.